# CERTIFIED ACCESS SPECIALIST PROGRAM
# IMPLEMENTATION COMMITTEE
### Division of the State Architect

**Minutes of Public Meeting**
**Tuesday, July 13, 2004**

1102 Q Street, 5th Floor, Conference Room B
Sacramento, California

| **Committee Members Present** | **DSA Staff Present** |
|---|---|
| Robyn Dahlgren, Facilitator | Mary Ann Aguayo |
| James Abrams | Rod Higgins |
| Suzanne Ambrose | Karen Hodgkins |
| HolLynn D'Lil (Alternate for Ms. Barbosa) | Linda Huber |
| Jürgen Dostert | Hui-Jen Ma |
| Pete Guisasola | Michael Mankin |
| Daniel P. Larsen | Aaron Noble |
| John Lonberg | Niall Roberts |
| Gene Lozano | Terry Salo |
| Michael Paravagna | Elizabeth Schroeder |
| Patricia Yeager | Mark Smith |

| **Committee Members Absent** | **Others Present** |
|---|---|
| Patricia Barbosa | Regina Brown, AGO |
| Yolanda Benson | Maria Loera, DIR |
| Philip Rubin | Kevin O'Neill, Assemblyman Tim Leslie's Office |
| | James V. Vitale, PBWS Architects |
| | Cynthia Waddell, MCS |

1 **Call to Order and Introductions**

2 Ms. Robyn Dahlgren called the meeting to order at 12:30 p.m. Participants took turns

3 introducing themselves.

4

5 **Approval of Minutes**

6 Ms. Dahlgren drew attention to the minutes of the May 11 meeting. She said Mr. Philip

7 Rubin submitted a proposed change for Page 5, Lines 22 through 24; Mr. Rubin

8 recommended developing an access audit based on the Title 14 energy audit as a

9 model, and then requiring the access audit as part of the building permit process.

10

1    Ms. Karen Hodgkins reported that she looked up Title 14 but was unable to find the

2    provisions Mr. Rubin mentioned.  Other committee members noted the correct code

3    section should be Title 24, Part 6.

4

5    Ms. HolLynn D'Lil said Ms. Patricia Barbosa had some general comments on the

6    contents of the minutes.

7

8    Ms. Dahlgren suggested reviewing the minutes line by line, and then discussing general

9    comments.  Participants proposed no corrections to the minutes.

10

11    Ms. D'Lil stated that Ms. Barbosa is concerned that the committee's discussion is going

12    far beyond the scope of the enabling legislation, which talks about specialists certifying

13    that buildings meet universal design requirements.

14

15    Mr. Jim Abrams noted the committee had extensive discussion about program goals

16    and scope.  He said one goal is to make sure buildings get constructed and upgraded in

17    a way that fully complies with access requirements.

18

19    Other committee members noted the term "universal design" defines the scope of the

20    committee.

21

22    Ms. Dahlgren suggested discussing this issue in more detail at a future meeting.

23

24    Mr. Jürgen Dostert said Ms. Barbosa believes the committee should focus strictly on the

25    process for certifying access consultants.  He expressed his opinion that all of the topics

26    discussed by the committee so far pertain to that purpose.

1

2 Mr. Michael Mankin commented that "universal design" is a fairly broad term, and

3 responsibility for determining what constitutes universal design rests with the architect

4 and building owner.  He noted the purpose of the committee is to identify who is

5 competent in the various facets of universal design.  Because the building code does

6 not spell out standards in these areas, he expressed his opinion that it makes sense for

7 the committee to define appropriate roles and responsibilities.

8

9 Ms. D'Lil observed that the committee's discussion of professional scope seemed to go

10 beyond construction-related functions.

11

12 Mr. Gene Lozano pointed out that universal design includes both construction and

13 programmatic elements.  He gave an example of how a wastebasket placed in the

14 turning area in a restroom can make the entire space inaccessible.

15

16 Mr. Abrams agreed with Mr. Lozano.  He noted the committee has revisited its scope at

17 every meeting, and he suggested earmarking this issue for further discussion at a future

18 meeting.

19

20 Ms. Hodgkins pointed out that the agenda for this meeting focuses on defining

21 classifications for three specific areas, determining performance expectations, and

22 identifying qualifications.

23

24 Ms. D'Lil noted Mr. Lozano's wastebasket example is already covered under the

25 maintenance sections of Title 24 and the technical assistance manuals for Title 2 and

26 Title 3.  She clarified that this is a design criteria rather than a programmatic criteria.

1

2　Ms. Dahlgren encouraged committee members to keep track of specific questions and

3　concerns related to the committee's scope so they can be addressed when the

4　committee revisits this topic.

5

6　Ms. Dahlgren observed that there were no additional comments or suggestions about

7　the contents of the minutes.

8

9　**Old Business**

10　Ms. Dahlgren drew attention to the written motion submitted by Mr. Abrams at the last

11　meeting.  Mr. Abrams said the purpose of his motion was to focus the committee's

12　discussion.  He noted the committee will be addressing these topics as part of other

13　agenda items, so he withdrew his motion.

14

15　**Project Status**

16　Ms. Hodgkins drew attention to the three staff reports in the meeting packet.  She said

17　one paper has to do with certification classifications, another deals with performance

18　expectations, and the third pertains to qualifications.  She welcomed comments and

19　discussion from the committee.  Ms. Hodgkins encouraged the committee to come to a

20　consensus on these issues.

21

22　Ms. Hodgkins reported that the staff is seeking consultant expertise in exam

23　development and validation.  She noted the staff is beginning to develop the information

24　management system that will be used for the certified access specialist program, and a

25　candidate handbook is being created.  She said two summer interns, Ms. Hui-Jen Ma

26　and Mr. Niall Roberts, are assisting with these tasks.

1

2   Ms. Hodgkins noted that preparing the staff reports and getting the minutes done in time

3   for monthly meetings is very difficult, so the staff determined that the committee's

4   meeting schedule should be changed from monthly to alternating months.  She advised

5   committee members that the next meeting will be September 14, and the following

6   meeting will be on November 9.  She suggested keeping the proposed December

7   meeting date open in case the committee needs to take action on its final report.

8

9   Mr. Abrams recommended having longer meetings and appointing task groups to work

10  on specific topics in between regular meetings.  After some discussion, committee

11  members agreed to schedule future meetings from 10:00 a.m. to 5:00 p.m.

12

13  Mr. Mark Smith proposed that the committee focus on a different theme at each

14  meeting:  qualifications at this meeting, training and examination issues at the

15  September meeting, and operational issues in November.  He recommended that the

16  committee meet again after that to work on its final report to the State Architect.

17

18  For the final meeting, Mr. Abrams suggested that the committee determine what should

19  go into the report and what recommendations should be made as far as next steps.

20

21  Mr. Lozano requested that the committee talk about the date of the September meeting

22  before adjourning.

23

24  **Certification Classifications**

25  Mr. Smith read the definition of "license" from the Business and Professions Code and

26  noted the committee's work in developing a certification program appears to fall under

1   that definition.  He read other code excerpts regarding development of minimum

2   competency standards, defining qualifications, and testing and monitoring performance

3   as components of licensure programs.  Mr. Smith said he planned to contact the

4   Department of Consumer Affairs for additional information.  Mr. Lozano noted the State

5   Personnel Board might also be of some assistance.

6

7   Mr. Smith suggested beginning the process by defining and analyzing the tasks

8   required of certified access specialists.  He noted the examination will eventually be

9   based on those specific tasks.

10

11  Mr. Smith referred to Staff Report 3.1, "Certification Classifications."  He proposed

12  developing three classifications to start:  Access Design and Survey Specialist, Access

13  Plan Review Specialist, and Access Inspection Specialist.  Mr. Smith recommended

14  developing two additional classifications, Access Disability Rights Specialist and ADA

15  Coordinator, once the program is launched.

16

17  Mr. Mankin said the first three classifications are intended to address the core elements

18  of the program.  He recognized the need to develop the two additional specialist areas

19  later.

20

21  Mr. Pete Guisasola expressed support for the approach described by Mr. Smith,

22  concentrating on the three core areas first.

23

24  Mr. Abrams agreed.  He also emphasized the need to deal with "people" areas later,

25  and he encouraged the committee to keep that in mind.

26

1     Ms. D'Lil commented that there appeared to be considerable redundancy among the

2     three specialty areas.  She recommended clarifying the distinctions more clearly.

3

4     Mr. Lozano noted the three classifications appear to fit within the intent of the enabling

5     legislation.  He suggested establishing junior and senior levels within each classification

6     at some point in the future.

7

8     Mr. Dostert observed that the distinction between the Access Plan Review Specialist

9     and the Access Inspection Specialist seems fairly clear, but the description of the

10     Access Design and Survey Specialist should be spelled out more clearly.  He

11     recommended splitting up the Access Design and Survey Specialist into two types:

12     plan review and design/3-D application.

13

14     Ms. Patricia Yeager said she understood the distinction between design functions and

15     plan review functions, but she questioned the need to separate plan review from

16     inspection functions.

17

18     Mr. Guisasola commented that he did not view the classifications as exclusive.  He

19     noted one person could hold more than one kind of certification classification.

20

21     Mr. Mankin suggested having Mr. Smith review the descriptions of each classification.

22

23     Mr. Smith said the qualifications for the three classifications, in terms of education,

24     experience, and examination, are addressed in Staff Report 3.3, which will be reviewed

25     later in the meeting.  He noted the concept of creating junior and senior levels within

26     each classification might be useful in making distinctions based on qualifications.

1

2  Mr. Abrams observed that the junior level could be treated as an apprentice in training,

3  with that person lacking the ability to certify.  He questioned the need to add this layer of

4  complexity at the start of the program.

5

6  Ms. Yeager noted there are many people who have practical expertise but lack

7  education, and she emphasized the importance of building a bridge so they can be

8  included.

9

10  Mr. Mankin commented that in the field of engineering, for example, there are engineers

11  in training who are working toward licensure.  He suggested adopting a similar approach

12  with this program.

13

14  Mr. Mankin observed that there may need to be further regulatory refinement to prevent

15  unauthorized people from calling themselves access specialists.

16

17  Mr. Abrams noted that the qualifications proposed by the staff provide two avenues for

18  people to become certified, one through formal education and passing the test, and

19  another based on work experience and passing the test.

20

21  Ms. Dahlgren suggested postponing the discussion on qualifications until later in the

22  meeting.  She encouraged the committee to limit their remarks to the proposed

23  classifications at this point.

24

25  Ms. D'Lil emphasized the importance of creating an effective certification program to

26  ensure that adequate access is actually provided.  She discussed a project in Old

1    Sacramento that was supposed to be designed by architects to provide access, but

2    which included numerous barriers that made accessible impossible or difficult.

3

4    Mr. Smith discussed some of the constraints under which DSA is operating.  First, he

5    noted, DSA is required by statute to implement this program, but DSA's expertise is

6    focused on the built environment rather than usability or programmatic issues.  In

7    addition, DSA wants to implement the program without changing existing regulations or

8    laws.  Mr. Smith said the staff is also researching the issue of legal liability in cases

9    where consultants are working for architects.

10

11   Mr. Abrams made a motion, seconded by Mr. Lozano, to accept the three classification

12   areas proposed by the staff, with the understanding that there may be a need for future

13   refinements.

14

15   Mr. Mankin observed that the first classification, Access Design and Survey Specialist,

16   is largely focused on programming; the second classification, Access Plan Review, is

17   focused on technical compliance; and the third classification, Access Inspection

18   Specialist, is focused on verifying field compliance.

19

20   Mr. Dostert agreed that looking at plans and looking at the real world were two distinctly

21   different functions.  However, he suggested splitting the first classification into two

22   categories.

23

24   Mr. Dostert recommended changing the references to the ADA Accessibility Guidelines

25   (ADAAG) to Title 24 instead.  He noted the regulations should be used as standards

26   rather than ADAAG.

1

2   Ms. D'Lil cautioned that use of "program" and "programming" terminology can be very

3   confusing.  She recommended using "design functionality" or "usability" rather than

4   "design program."

5

6   Ms. D'Lil noted that under the present system, there are different people doing plan

7   review and field inspection.  However, because the end product does not always result

8   in usable and accessible buildings, she suggested it might be better to have one person

9   do both functions.  Mr. Smith pointed out that the three classifications are not intended

10  to be exclusive, so one person could be certified in both plan review and inspection.

11  Ms. D'Lil expressed her opinion that these functions should be done by the same

12  person.

13

14  Ms. Dahlgren suggested taking a short break.  The committee took a brief recess, and

15  Ms. Dahlgren reconvened the meeting at 2:15 p.m.

16

17  Ms. Dahlgren invited members of the public to comment on Staff Report 3.1 and the

18  three classifications.  She proposed that the committee continue its discussion after the

19  public comment and attempt to arrive at a consensus on the classifications.

20

21  Ms. Regina Brown suggested combining the plan review and inspection function into a

22  single classification.  She noted there are cases where the approved plans do not match

23  the final product, and having one person overseeing the process might help solve that

24  disconnect.

25

1    Mr. James Vitale, architect, suggested addressing the issue of grandfathering.  Ms.

2    Dahlgren noted the subject of grandfathering would be more appropriate as part of the

3    discussion on qualifications later in the meeting.

4

5    With regard to the classifications, Mr. Vitale stated that continuous inspection is an

6    important aspect of public construction projects to ensure that plans match work done in

7    the field.  He recommended focusing on identifying issues rather than "problems."  Mr.

8    Vitale noted "programming" is really creating a definition of scope, and once scope is

9    defined, programs can be designed to resolve each issue that has been identified.

10

11   Mr. Vitale observed that buildings in California are already being inspected by a general

12   building inspector and a fire inspector, so adding an access compliance inspector would

13   create a third layer.

14

15   There being no other members of the public who wished to comment on this topic, Ms.

16   Dahlgren encouraged committee members to complete their discussion of the

17   classifications.

18

19   Mr. Dan Larsen noted there are some unlicensed people who are allowed to design

20   buildings, and he questioned the implications of the proposed certification program on

21   them.  He also recommended clarifying the distinction between the three different types

22   of classifications.  Mr. Smith reviewed the areas of responsibility for each classification.

23

24   Ms. D'Lil noted that Staff Report 3.1 identifies five possible classifications.  She asked

25   what DSA intends to do with the fourth and fifth type.  Ms. Hodgkins noted the

26   committee spent time at the last meeting talking about the difference between

1 construction-related functions and program-related functions.  She said the staff plans

2 to address the additional programmatic functions once the initial certification program is

3 in place.

4

5 Ms. D'Lil said she was still confused about the difference between the survey function in

6 the first classification and the inspection functions in the third classification.  Mr. Dostert

7 elaborated on the types of activities that would be done by each type of specialist.  Mr.

8 Mankin clarified the differences between the design/survey and plan review functions.

9 Ms. D'Lil suggested changing the description in Item b. of the Access Design and

10 Survey specialist description from "survey existing facilities for compliance" to "survey

11 existing facilities for necessary barrier removal."  Other committee members agreed with

12 this modification.

13

14 Mr. John Lonberg noted building officials are charged with enforcing the building codes

15 within their jurisdictions, but they have no authority to enforce ADAAG.  He noted the

16 ADA Accessibility Guidelines are actually a civil rights protection rather than a building

17 code.  He asked whether this conflict would create a problem for certified access

18 specialists.

19

20 Mr. Mankin explained that the plan review role is limited to architecture, but the

21 inspection function includes verifying the overall compliance and usability of the design.

22 He recommended changing the name of the third classification to "Access Verification

23 Specialist" rather than "Access Inspection Specialist."

24

25 Mr. Abrams withdrew his motion (page 9, line 14) to accept the three classification

26 areas proposed by DSA staff prior to any committee vote.

1

2 Mr. Abrams proposed reviewing Staff Report 3.3, "Qualifications," and then returning to

3 the classifications.  Other committee members expressed support for this approach.

4

5 **<u>Qualifications</u>**

6 Mr. Smith referred to Staff Report 3.3 and reviewed the proposed education,

7 experience, training, and examination qualifications for Access Design and Survey

8 Specialists, Access Plan Review Specialists, and Access Inspection Specialists.

9

10 Ms. D'Lil commented that she knew a number of people with expertise in access areas

11 who would not qualify for certification based on the proposed qualifications.  Mr. Dostert

12 noted that people with expertise in access compliance are often hired by attorneys to

13 provide advice after a problem has been identified.  Mr. Smith pointed out that

14 certification candidates would not have to be licensed architects or engineers to qualify

15 for any of the three classifications.

16

17 Mr. Abrams emphasized the importance of making sure the certification examinations

18 accurately measure an applicant's knowledge and competency.  He suggested that the

19 committee determine whether passing the exam should be sufficient for certification, or

20 whether applicants need to have education, experience, and training beyond that.

21

22 Mr. Dostert spoke in favor of requiring two "filters," one being the exam, and then a

23 separate education/experience component.

24

25 Mr. Mankin pointed out that people with licenses or certification are held to a higher

26 standard of excellence than other people, and people already licensed as architects or

1    engineers will be reluctant to take on the additional liability that comes with being an

2    expert in access.  He expressed concern that architects will end up hiring access

3    consultants and burning those people out.  He suggested deciding whether the goal of

4    the program is to make architects step up to the plate and take responsibility for access,

5    or to provide resources for architects to defer this responsibility to others.

6

7    Mr. Lozano agreed with Mr. Dostert that certification should be based on more than just

8    passing an examination.  He recommended requiring candidates to have at least one

9    survey course on disability to ensure a basic understanding of key access issues.

10

11    Mr. Abrams advocated an exam-plus approach to qualifications.  He suggested working

12    for future legislation spelling out the types of courses design professionals need to take.

13    He also recommended legislation spelling out the liability of design professionals and

14    access consultants.  Mr. Abrams proposed that the Access Design and Survey

15    Specialist be required to have an acceptable exam score plus specialized training.

16

17    Mr. Smith commented that it might be better for the committee to accept the three

18    classifications first and then determine the qualifications.

19

20    Mr. Guisasola proposed modifying the required experience for an Access Design and

21    Survey Specialist to specify "two years of employment by a licensed architect or

22    equivalent."

23

24    Ms. D'Lil expressed her opinion that candidates who pass the exam and obtain some

25    training should be eligible for certification.  She questioned the need for the formal

26    education and experience requirements.

1

2    Mr. Mankin noted the exam should not exclude competent people who are already in

3    the field.  He suggested gearing the exam to make as many people eligible as possible

4    rather than frustrating newcomers to the field.

5

6    Ms. D'Lil said she believed the exam should be onerous enough to weed out unqualified

7    people.  She observed that the proposed qualifications seem to be skewed toward

8    people with an architectural and design background.

9

10   Mr. Abrams agreed that the exam should be rigorous but fair.  He suggested focusing

11   on the issue of whether passing the exam alone should be sufficient, or whether

12   additional training, education, and experience should be required.

13

14   After some discussion, committee members agreed that the test was not enough.  They

15   arrived at a consensus that candidates should have at least some training, education,

16   and experience in addition to passing the exam.

17

18   Mr. Smith noted the charts on Pages 5 through 8 of Staff Report 3.3 show the kinds of

19   qualifications needed to fulfill each job function for the three classifications of access

20   specialists.   He said the appendices at the back of the staff report show the

21   qualifications for related licensure programs and employment.

22

23   Mr. Dostert recommended changing the titles of the classifications.  He suggested it

24   might be helpful to look at the percentage of time access specialists spend on the

25   different functions and activities.

26

1    Mr. Guisasola commented that smaller architectural firms need help because they lack

2    the expertise from within to handle all aspects of access design, plan review, and

3    inspection.  He noted the purpose of the certified access specialist program should be

4    to provide resources these firms can use to supplement their own expertise.  He

5    suggested starting each project with an access analysis to determine the kinds of

6    expertise needed.

7

8    Mr. Mankin pointed out that the qualifications can be revisited in a few years.  He noted

9    that as more people become certified and as training programs become available, it

10   might be desirable to tighten up the standards to require more.

11

12   Ms. Yeager recommended focusing on the kind of program DSA wants to have five

13   years from now.  She emphasized the need to professionalize the certified access

14   specialist program over time in order to produce qualified people who can be working in

15   architects' offices in five years.

16

17   Ms. D'Lil clarified that her concern was that people with a wealth of experience and

18   expertise, but without architectural backgrounds, could be excluded.  She noted

19   architects should hire competent consultants if they lack expertise themselves.

20

21   Mr. Smith proposed allowing grandfathering at the start of the program.  For the first

22   year, he suggested, people already working with the field should be allowed to take the

23   training and the exam, even if they lack the formal education or the required experience.

24   For the future, he recommended creating an apprenticeship program leading to a fourth

25   classification of Access Code Specialist, or people who are able to answer questions

26   and provide guidance on code issues.

1

2    Mr. Abrams said he liked the idea of grandfathering, as proposed by the staff.  He

3    expressed his opinion that the three classifications identified by the staff include the

4    necessary competencies, so a fourth category was not needed.

5

6    Mr. Mankin commented that "inspection" was really "verification," and he recommended

7    changing the terminology accordingly.

8

9    Ms. D'Lil observed that there should be a classification for accessibility advocates who

10   are currently working in the field.

11

12   Ms. Dahlgren suggested that the committee come to a consensus accepting the three

13   classifications proposed by the staff, and including advocacy within the third

14   classification.  After some discussion, committee members generally agreed on the

15   three classifications, and that advocacy should be included in the "inspection" or

16   "verification" classification.

17

18   Mr. Abrams observed that the committee appears to agree that candidates should be

19   able to pass an exam and have some specialized training.  He suggested having a few

20   committee members work with the staff before the next meeting to flesh out proposed

21   qualifications that would not exclude people like Ms. D'Lil and Mr. Dostert.

22

23   Committee members discussed the activities and qualifications for conducting access

24   surveys.  Mr. Dostert recommended eliminating "Survey" from the title of the first

25   classification.  Mr. Mankin agreed.

26

1   Ms. Dahlgren proposed calling the classifications "A," "B," and "C" for now, and

2   determining specific titles later.

3

4   Mr. Abrams suggested that he, Mr. Dostert, Ms. D'Lil, Ms. Yeager, and others take it

5   upon themselves to develop some proposed language and work with the staff.

6

7   Ms. Dahlgren proposed that participants submit comments and suggestions on what

8   they would like to see for Classifications "A," "B," and "C."  Mr. Smith requested this

9   input within the next week.

10

11  Ms. Suzy Ambrose noted the comments need to be made public.  She suggested

12  submitting comments to DSA so they can be disseminated to the public.  She cautioned

13  that meetings of more than two people need to be properly noticed and made

14  accessible to the public.  She advised that this same requirement applies to emails and

15  other types of communication among subcommittee members.

16

17  Mr. Abrams suggested scheduling and noticing a public meeting of the working group in

18  about a month.  Ms. Hodgkins noted August 10 was available.

19

20  Mr. Lozano asked about the possibility of changing the date of the September meeting.

21  After some discussion, the committee decided to stay with September 14.

22

23  **Public Comment**

24  Ms. Cynthia Waddell recommended expanding the proposed education and experience

25  requirements for the certified access specialist classifications.  She described her own

26  background as an example of the kinds of expertise that should be taken into

1     consideration.  She suggested requiring cross-disability training in addition to passing

2     the exam.

3

4     Ms. Regina Brown expressed support for the idea of grandfathering.  However, she

5     expressed concern about grandfathering people into more than one classification.  She

6     recommended limiting grandfathering to only one classification.

7

8     Mr. Vitale commented that architects are currently the gatekeepers in the process

9     because they have the most unique skill set of all the parties involved in a construction

10    project.  He noted architects, unlike other licensed professionals, are able to design and

11    engineer every component of a building, but this does not mean they are competent to

12    do so.  Mr. Vitale pointed out that competent architects recognize when it is appropriate

13    to hire consultants with more specific expertise.

14

15    Mr. Vitale emphasized the need for more public education so people understand that

16    access compliance is the law of the land and cannot be ignored.  He suggested using

17    the next five years to develop a professional certified access specialist program, create

18    training programs, and grandfather in the people who are working in the field.

19

20    Mr. Vitale commended Mr. Smith and the staff for their efforts so far.  Committee

21    members applauded the staff and expressed their appreciation.

22

23    **<u>Adjournment</u>**

24    There being no further business, the meeting was adjourned at 4:19 p.m.